

REMARKS

Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants' Representatives wish to thank Examiner Mehravari for the courtesies extended during the telephonic interview of September 27, 2011. During the interview, the parties discussed the differences between the instant application and the references of record, and discussed amendments to the claims. Although no agreement was reached as to the allowability of the claims, the instant amendments and remarks are presented in an attempt to advance prosecution based on the information exchanged during the interview.

Applicants have amended claims 1, 2, 6, 8–9, 12–13, 15–23, and 27. Claims 6, 8–9, 13, 15–17, 19, 21, and 23 have been amended to: (i) address the claim rejections under 35 U.S.C. § 112; (ii) ensure consistency with any amendments to the claims from which claims 6, 8–9, 13, 15–17, 19, 21, and 23 depend; and (iii) address antecedent basis issues.

Claim 1 has been amended to include the limitation “remote content identification information” originally set forth in dependent claim 2, and to remove the limitation “or contained on a medium associated with the portable media container.” Accordingly, the limitation “remote content identification information” has been removed from claim 2. Claim 12 has been amended in-line with claim 1. Claim 18 has been amended in-line with claims 1 and 12 (i.e., to recite that the “remote content identification information may be used to identify remote content to be retrieved”). Claim 19 has also been amended in-line with claims 1, 12, and 18 (i.e., to recite that the remote content identification information identifies downloadable content associated with the RFID tag). Claim 20 has been amended to provide proper antecedent basis for the “downloadable content” and the “remote content source.” Claim 21 has been amended to correct a typographical error by replacing the limitation “downloadable content identification information” with “content index data that is based on the remote content identification

information.” Support for this amendment may be found, for example, at step 508 in Figure 5 of Applicants’ disclosure. Claim 22 has been amended in-line with claim 18 (i.e., to recite that the remote digital content identification data identifies downloadable content associated with the handheld article). Support for this amendment may be found, for example, in paragraphs [0063]–[0065] of Applicants’ disclosure. Claim 27 has been amended to correct a typographical error. No new matter has been added.

Claim Rejections – 35 U.S.C. § 112

Claims 6, 8–9, 13, 15–17, 19, 21, and 23 stand rejected under 35 U.S.C. § 112. Claim 6 has been amended to remove the word “portable,” thereby providing proper antecedent basis for the media playing device. Claim 6 has also been amended to provide proper antecedent basis for “the retrieved additional information.” Accordingly, it is respectfully requested that the rejection of claim 6 under § 112 be withdrawn.

Claim 8 has been amended to correct a typographical error by reciting that the RFID writer is operative to contactlessly write information to the RFID tag, not the portable digital media container. As such, it is respectfully requested that the rejection of claim 8 under § 112 be withdrawn.

Claim 9 has been amended to recite that the RFID tag is coupled to the surface of the digital media container. Accordingly, it is respectfully requested that the rejection of claim 9 under § 112 be withdrawn.

Claim 13 has been amended to remove the word “digital,” thereby providing proper antecedent basis for the portable media container. As such, it is respectfully requested that the rejection of claim 13 under § 112 be withdrawn.

Claim 15 has been amended to provide proper antecedent basis for “the portable media container” and to replace the phrase “an article” with “the object.” Accordingly, it is respectfully requested that the rejection of claim 15 under § 112 be withdrawn.

Claim 16 has been amended to consistently identify the “content ID” as the “remote content ID.” Claim 16 has also been amended to correct a typographical error by replacing the phrase “obtaining, by the DRM, content ID data based on the sent content ID” with “obtaining, by the DRM, remote content based on the remote content ID data.” Support for this amendment may be found, for example, in paragraph [0065] of Applicants’ disclosure. As such, it is respectfully requested that the rejection of claim 16 under § 112 be withdrawn.

Claim 17 has been amended to consistently identify the “content ID data” as the “remote content ID data” and to remove the limitation “securely accessing an online service.” Accordingly, it is respectfully requested that the rejection of claim 17 under § 112 be withdrawn.

Claim 19 has been amended to consistently identify (i) the content identification information as “remote content identification information” and (ii) the content as “downloadable content.” As such, it is respectfully requested that the rejection of claim 19 under § 112 be withdrawn.

Claim 21 has been amended to remove the limitation “if authentication was successful.” Accordingly, it is respectfully requested that the rejection of claim 21 under § 112 be withdrawn.

Claim 23 has been amended to replace the term “therewith” with the phrase “with the digital video and/or audio media object.” As such, it is respectfully requested that the rejection of claim 23 under § 112 be withdrawn.

Claim rejections - 35 U.S.C. § 103

Claims 1–8, 9–16, 18–22, and 24–27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No. 2005/0237886 to Kahlman (“Kahlman”) in view of U.S. Pat. No. 7,325,145 to England (“England”). Applicants respectfully submit that neither Kahlman nor England, either alone or in combination, teach, at least, “RFID tag information includ[ing] remote content identification information.”

Kahlman is directed to an information carrier 1 (e.g., a CD, CD-ROM, and/or DVD-ROM) having an integrated circuit 21 and an antenna 22, wherein the combination of the integrated circuit 21 and antenna 22 comprise an RFID tag. Kahlman discloses that the integrated circuit 21 may include information about the data stored on the information carrier 1. “This information may be, for example, a decoding key for decoding the digital work stored in coded form on the information carrier” or a table of contents including “all titles and performing artists of musical numbers stored on the information carrier . . .” (Kahlman, ¶ [0033]). However, Kahlman fails to teach a RFID tag “containing RFID tag information . . . wherein the RFID tag information includes remote content identification information,” as recited in claim 1. Accordingly, Applicants respectfully submit that currently amended claim 1 is allowable over Kahlman for at least this reason,

Furthermore, Applicants respectfully submit that England fails to remedy this deficiency of Kahlman. England is directed to a verification system for verifying the legitimacy of a data storage medium, such as a compact disk. (England; Col. 1, ll. 5–10). In one embodiment, England teaches that “the invention may be used by a manufacturer to distribute ‘bonus’ music tracks to purchasers of music CDs.” (England; Col. 8, ll. 28–30). Regarding this embodiment, England specifically states the following:

The manufacturer of the music CD offers free additional music tracks in MP3 format, available from the manufacturer's music server (also referred to as a web site). Before the customer is permitted to download the additional music tracks, the manufacturer verifies that the customer has the original music CD in the CD-ROM drive. In this situation, the verification module is located in the manufacturer's music server, and the random data blocks are retrieved from the music CD across the Internet. If an original music CD is verified, then the music server downloads the bonus music tracks to the customer for playback on a personal computer or a handheld music player. (England; Col. 8, ll. 31–42) (emphasis added).

Thus, England teaches an embodiment whereby a manufacturer's music server downloads bonus music tracks to a customer following the verification of a music CD. However, England fails to teach, for example, including any data on the music CD that identifies the bonus music track to be supplied by the manufacturer's music server. As such, England cannot be asserted as teaching "wherein the RFID tag information includes remote content identification information."

Conversely, Applicants' disclosure teaches, and claim 1 requires, "wherein the RFID tag information includes remote content identification information." As set forth in Applicants' disclosure, the remote content identification information identifies, for example, content that is downloadable from a remote location. (Applicants' Disclosure; ¶ [0058]: "The remote content identification data identifies content that is remotely downloadable. This is content in addition to the digital content stored on the digital storage medium that the container 12 holds.'). Because neither Kahlman nor England, either alone or in combination, teach "wherein the RFID tag information includes remote content identification information," it is respectfully submitted that claim 1 is in condition for allowance.

Dependent claims 2–8, being dependent upon an allowable base claim, are also allowable over the combination of Kahlman in view of England to the extent that they incorporate the limitations of the independent claim and because they recite additional patentable subject matter.

Applicants note that claim 9 includes a similar limitation to the one discussed above with regard to claim 1, i.e., “remote content identification data that identifies downloadable content in addition to the digital content stored on the digital storage medium.” Accordingly, it is respectfully submitted that claim 9 is also allowable over the combination of Kahlman in view of England for at least the reasons set forth above with regard to claim 1.

Dependent claim 10, being dependent upon an allowable base claim, is also allowable over the combination of Kahlman in view of England to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

Applicants note that claim 11 includes a similar limitation to the ones discussed above with regard to claims 1 and 9, i.e., “remote content identification data that identifies downloadable content in addition to the digital content stored on the digital storage medium.” Accordingly, it is respectfully submitted that claim 11 is also allowable over the combination of Kahlman in view of England for at least the reasons set forth above with regard to claim 1.

Applicants note that claim 12 includes a similar limitation to the one discussed above with regard to claim 1, i.e., “wherein the RFID tag information includes remote content identification information.” Accordingly, it is respectfully submitted that claim 12 is also allowable over the combination of Kahlman in view of England for at least the reasons set forth above with regard to claim 1.

Dependent claims 13–15, being dependent upon an allowable base claim, are also allowable over the combination of Kahlman in view of England to the extent that they incorporate the limitations of the independent claim and because they recite additional patentable subject matter.

Applicants note that claim 16 includes a similar limitation to the ones discussed above with regard to claims 1, 9, and 11–12, i.e., “an RFID enabled article that contains at least . . . remote content ID data.” Accordingly, it is respectfully submitted that claim 16 is also allowable over the combination of Kahlman in view of England for at least the reasons set forth above with regard to claim 1.

Applicants note that claim 18 includes a similar limitation to the ones discussed above with regard to claims 1, 9, 11–12, and 16, i.e., “wherein the remote content identification information may be used to identify remote content to be retrieved.” Accordingly, it is respectfully submitted that claim 18 is also allowable over the combination of Kahlman in view of England for at least the reasons set forth above with regard to claim 1.

Applicants note that claim 19 includes a similar limitation to the ones discussed above with regard to claims 1, 9, 11–12, 16, and 18, i.e., “remote content identification information identifying downloadable content associated with the RFID tag.” Accordingly, it is respectfully submitted that claim 19 is also allowable over the combination of Kahlman in view of England for at least the reasons set forth above with regard to claim 1.

Dependent claim 20, being dependent upon an allowable base claim, is also allowable over the combination of Kahlman in view of England to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

Applicants note that claim 21 includes a similar limitation to the ones discussed above with regard to claims 1, 9, 11–12, 16, 18, and 19, i.e., “remote content identification information identifying downloadable content associated with the RFID enabled object.” Accordingly, it is respectfully submitted that claim 21 is also allowable over the combination of Kahlman in view of England for at least the reasons set forth above with regard to claim 1.

Applicants note that claim 22 includes a similar limitation to the ones discussed above with regard to claims 1, 9, 11–12, 16, 18–19, and 21, i.e., “remote digital content identification data that identifies downloadable content associated with the handheld article.” Accordingly, it is respectfully submitted that claim 22 is also allowable over the combination of Kahlman in view of England for at least the reasons set forth above with regard to claim 1.

Dependent claims 24–27, being dependent upon an allowable base claim, are also allowable over the combination of Kahlman in view of England to the extent that they incorporate the limitations of the independent claim and because they recite additional patentable subject matter.

Claim 8 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kahlman in view of England in further view of U.S. Pat. No. 7,038,985 to Ryal (“Ryal”). Dependent claim 8, being dependent upon an allowable base claim, is also allowable over the combination of Kahlman in view of England in further view of Ryal to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kahlman in view of England in further view of U.S. Pat. No. 6,424,715 to Saito (“Saito”). Dependent claim 17, being dependent upon an allowable base claim, is also allowable over the combination of Kahlman in view of England in further view of Saito to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kahlman in view of England in further view of U.S. Pat. Pub. No. 2005/0144253 to Yoshino et al. (“Yoshino”). Dependent claim 23, being dependent upon an allowable base claim, is also

allowable over the combination of Kahlman in view of England in further view of Yoshino to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request reconsideration and withdrawal of all presently outstanding rejections. Thus, prompt and favorable consideration of this response is respectfully requested. If it is believed that personal communication will expedite prosecution of this application, Applicants' undersigned representative may be contacted at the number below.

Respectfully submitted,

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